



Lamoine Board of Selectmen

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Minutes of October 4, 2012

Chair Jo Cooper called the meeting to order at 7:00 PM

Present were: Selectmen Richard Fennelly Jr., S. Josephine Cooper, Gary McFarland, Cynthia Donaldson; Administrative Assistant Stu Marckoon, Jane Disney and Emma Fox from Frenchman Bay Partners, Paul Davis, Antonio Blasi, Conservation Commission Members Carol Korty, Anne Labossiere, Bob Pulver, Larry Libby; Planning Board Vice-Chair Don Bamman, and Diane Nicholls

Agenda Review – Stu reported that a Planning Board member would have an item under other business regarding use of the town attorney.

Minutes of September 20, 2012 – Richard and Cynthia submitted minor corrections. Gary moved to approve the minutes with those corrections. Cynthia 2nd. **Vote in favor was 4-0.**

Expenditure Warrant 7 – Selectmen signed the warrant in the amount of \$23,869.14.

Cash & Budget Report – There were no questions regarding the report. Jo noted that the quarterly excise tax collection report was also included in the materials this evening.

Checking Account Reconciliation – Jo said the reconciliation documents had been sent via e-mail prior to the meeting. Selectmen signed the statement expressing satisfaction with their review.

Frenchman Bay Partners – Jane Disney gave a presentation about the group which lasted for about half an hour, including a power point display and discussion of issues around Frenchman Bay.

After the presentation, it was asked what the process was to become a partner. Selectmen agreed it would be a board decision that did not need to go to town meeting. It was asked what kind of time commitment a liaison would have to make, and how grant funding is administered. Selectmen agreed to put the item on a future agenda.

Town Meeting Date (Not on the agenda) – Carol Korty remarked that she didn't hear any discussion about the timing of town meeting and was disappointed to see the date had already been set. Jo said the timing of town meeting and other associated issues with encouraging attendance is an ongoing discussion.

MDI League of Towns Collaboration Meeting – None of the Selectmen were able to attend the event.

Appointment – Temporary Clerk/Tax Collector – Jo moved to appoint Nancy Jones as a temporary Assistant Town Clerk, Assistant Tax Collector, and Assistant Excise Tax Collector to cover while the clerk/tax collector is on maternity leave. Richard 2nd. **Vote in favor was 4-0.**

Returnables – Jo moved to approve the local Girl Scout troop as the beneficiary of the returnables collected in January 2013. Gary 2nd. **Vote in favor was 4-0.**

RSU 24 Withdrawal Update – Gary said the RSU 24 Withdrawal Committee met on October 1, 2012 for a couple of hours. He said they are down to about 11-items that need to be finalized with the RSU for a withdrawal agreement. He noted the meeting was televised and recorded and is being played back on the Cable TV channel.

Gary said there were six items of concern with the negotiations outlined in a memo to the Selectmen from the committee. He said they met yesterday with Superintendent Suzanne Lukas and RSU 24 business manager David Bridgham and the RSU may reconsider their stand on only considering full re-writes of the withdrawal agreement, which has taken a lot of time and is getting nowhere. He said the RSU and the Withdrawal Committee agree on most matters. He said they've been more successful in getting financial information and that's a step forward.

Gary said there are 5 sticking points that will come up for discussion and Ellsworth and Hancock have common situations. He said the withdrawal committee might meet in a couple of weeks with the RSU. He said one of the concerns of the withdrawal committee was the frequency of meetings and a lack of progress. He said the next big step is to determine how much it would cost to run the Lamoine school if the town should withdraw.

Jo asked if there are minutes of the meeting available. Gary said the withdrawal committee secretary is typing them up and the town office will get them.

Richard asked about filing an extension request with the Department of Education. Stu reported the request went out by certified mail a couple of days ago. Gary noted the matter may not come to a town meeting vote until 2014, and that the meetings are open to the public.

MUBEC/BLUO – Stu reported there is nothing new on this matter.

Planning Board Request to use Town Attorney – Don Bamman said a proposed expansion of a gravel pit by Harold MacQuinn, Inc. has come before the Planning Board. He said the applicant's lawyer has questioned whether Planning Board Chair John Holt should be allowed to act on the matter because of a perceived conflict of interest. (Mr. Holt is the treasurer of the Cold Spring Water Company which is an abutting landowner to the proposed expansion area). Mr. Bamman said at the end of the Planning Board meeting on Tuesday, it was left that he would contact Maine Municipal Association (MMA) for an opinion on whether Mr. Holt has a conflict.

Mr. Bamman said a letter from the applicant's attorney was e-mailed earlier in the day, and it looks like this will get litigious. He said the Planning Board thinks it might need to retain counsel. Jo asked if that means only in the aspect of the chair recusing himself. Mr. Bamman said that was correct. Jo asked if there was any answer from MMA. Mr. Bamman said he hasn't gotten that far. He said the Planning Board thinks they should meet with the town attorney, who could maybe help the Planning Board draft a letter to MMA.

Cynthia asked if the town attorney (Tony Beardsley) is also the attorney for the Cold Spring Water Company. A brief discussion followed on who the backup town attorney would be.

Richard asked if there was any sense of the cost. Mr. Bamman asked how that could be determined. Jo said he could ask Mr. Beardsley.

Jo moved to authorize the Planning Board to utilize the town attorney in regard to a conflict of interest question with a cap of \$1,000. Richard 2nd. **Vote in favor was 4-0.**

General Assistance Public Hearing – Jo moved to set October 18, 2012 as the date for a public hearing on proposed updates to the General Assistance Ordinance. Gary 2nd. **Vote in favor was 4-0.**

Stale Dated Checks – Stu reported 3-checks have been outstanding since January. Two are for property tax overpayment refunds, and a third is a mortgage payment for General Assistance that was never cashed. He suggested applying the tax refunds to the 2012 property taxes, and booking the GA payment as a credit to the GA Rent Account. Jo moved to approve such an order. Richard 2nd. **Vote in favor was 4-0.**

Automobile Graveyard Hearings – Jo moved to set October 18, 2012 as the public hearing date on two applications to renew automobile graveyards. Gary 2nd. **Vote in favor was 4-0.**

Tax Commitments – Stu reported that he'd found the place at the University of Maine that binds tax commitment books as required by statute. He said nothing has been bound since 1978, and it costs about \$35/commitment with an embossed cover. He suggested doing 20-books this year and the rest next year. Jo moved to approve the suggestion, Richard 2nd. **Vote in favor was 4-0.**

Other – Cynthia said she recalled the timing of town meeting was to be an ongoing discussion, and she feels like the ball was dropped. Jo said she didn't agree – she believed the timing was something to consider going forward, and if there were a lot of dissatisfaction with the date, it should be revisited. Cynthia noted that in the survey taken on the matter, people were all over the place on when the best time would be. She said the Board got some ideas about how to draw people, including having an event associated with the town meeting. She asked if it made sense to package town meeting around another event.

Jo said this should be scheduled for a revisit on a future agenda. She said it would be great to have more people involved in the town meeting. Richard noted that Catherine DeTuede had spoken to the board about it, and the concern was how to get more people to show up for town meeting. Gary noted that town meeting used to be an all-day event, and people don't want that. Stu said a controversial item on the warrant will draw a crowd.

Absentee Ballot Update – Stu noted that absentee ballots have yet to arrive and the Secretary of State's office was on the phone several times today. He said Lamoine's ballots may have been sent to another town and there has been a big screw up with the printer. He said it's hoped the ballots arrive on Friday.

Regional Shellfish Ordinance – Richard said the Joint Municipal Board wants to suggest stiffer penalties for digging in closed areas. He said that would require a town meeting vote. He said the questions that were placed in a straw vote before the last annual town meeting could go into a proposed ordinance change at the town meeting vote as well.

County Budget – Jo said she is serving on the Hancock County Budget Advisory Committee and it's a very interesting process. She said there is some very complex accounting between departments. She said if anyone has questions or concerns about the county budget to let her know.

Budget Workshop - Stu said he'd drafted up the Administration Budget and asked the Board to look it over between meetings. The board did not wish to hold a budget workshop this evening.

Candidate – Antonio Blasi introduced himself as a candidate for elected office.

There being no further business, the meeting adjourned at 8:20 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen